Docket No.: 50229-378 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Sylvia DAUNERT, et al.	:	Confirmation Number: 8451
Serial No.: 10/620,806	:	Group Art Unit: 1641
Filed: July 17, 2003	:	Examiner: James L. Grun

For: METHOD AND KIT FOR DETERMINATION OF PROSTACYCLIN IN PLASMA

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Restriction Requirement
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Restriction Requirement mailed June 20, 2006, the examiner required restriction to one of the following four groups of claims:

Group I - claims 1-5, 8-15 and 20, directed to assays for determining the level of prostaglandin in a sample;

Group II - claims 6 and 7, directed to a kit;

Group III - claims 17-19, directed to a conjugate; and

Group IV - claims 13, 15 and 16, directed to an assay for determining the level of a biomolecule in plasma.

Applicant elects Group II, including claims 6-7 with traverse.

It is respectfully submitted that the examiner has too narrowly drawn the restriction requirement. The aequorin molecule used in claims 1, 8, 13 and 20 is not identified as either

cysteine-free or modified to contain a unique cysteine. The aequorin molecule employed in the assays of each of these claims encompasses any aequorin molecule, including cysteine –free mutants of the invention as well as modified mutants containing a unique cysteine moiety. Thus, in order to search these claims the examiner must search both types of modified aequorin. Moreover, it would not be a burden on the examiner to search both types of mutants since any search devised to uncover any prior art relating to aequorin mutants would necessarily uncover prior art relating to both claimed forms of aequorin.

Furthermore, all of the claimed assays are grouped in the same Class (435), and the products are similarly grouped in the same Class (70). Thus, the only proper restriction is along the lines of product and process, and since applicant elects the product claims, it is respectfully submitted that properly amended process claims should be rejoined in he application upon allowance of the product claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such account.

Respectfully submitted,

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